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FISCAL IMPACT STATEMENT

LS 6970

BILL NUMBER: HB 1153

NOTE PREPARED: Mar 14, 2011

BILL AMENDED: Mar 14, 2011

SUBJECT: Problem-Solving Courts and Criminal Law and Sentencing Policy Study Committee

FIRST AUTHOR: Rep. Koch

FIRST SPONSOR: Sen. Bray

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Alcohol and Drug Services Programs* – It expands the types of persons that may participate in court-established alcohol and drug services programs.
- B. *Terminating Participation* – It establishes procedures to be used by a problem-solving court to terminate an individual's participation in a problem-solving court program.
- C. *Financial Responsibility for Problem-Solving Court Program* – It provides that the parent or guardian of a child: (1) who is adjudicated a delinquent child or in a program of informal adjustment approved by a juvenile court; and (2) who is accepted into a problem-solving court program; is financially responsible for the problem-solving court service fees and chemical testing expenses assessed against the child by the problem-solving court.
- D. *Depositing Problem-Solving Court Fee* – It specifies that a city or town user fee fund or county user fee fund includes problem-solving court fees collected by the clerk of the court.
- E. *Placement in a Problem-Solving Court* – It specifies that a court, other than a problem-solving court, may place an individual in a problem-solving court. (Current law only permits a problem-solving court to place an individual in a problem-solving court program.
- F. *Criminal Law and Sentencing Policy Study Committee* – It establishes the Criminal Law and Sentencing Policy Study Committee.

Effective Date: July 1, 2011.

Explanation of State Expenditures: (Revised) Summary- The bill, by relocating the statute, effectively makes the Criminal Law and Sentencing Policy Study Committee a permanent committee. The committee

operates under the policies governing study committees adopted by the Legislative Council. Legislative Council resolutions in the past have established budgets for interim study committees in the amount of \$9,500 per interim for committees with fewer than 16 members.

Background Information- The committee is a 14-member study committee composed of eight legislators, one trial court judge who exercises criminal or juvenile jurisdiction and is appointed by the Chief Justice of the Supreme Court, the executive directors of the Prosecuting Attorneys Council of Indiana and the Public Defender Council of Indiana, the Commissioner of the Department of Correction, the Chairman of the Parole Board, and one person who has experience in administering probation programs who is a member of the Probation Officers' Professional Association of Indiana and is appointed by the Probation Officers' Professional Association of Indiana.

Explanation of State Revenues:

Explanation of Local Expenditures: *Alcohol and Drug Services Programs* – This section would expand the number of persons who could be served by alcohol and drug service programs. These programs are generally financed through user fees, so this added provision should not increase expenditures to county general funds in counties where these programs are located. The Indiana Judicial Center reports that drug and alcohol programs are located in 55 counties across Indiana.

Terminating Participation – Under current law, a court must hold a hearing before terminating a participant from a problem-solving court program. This provision specifies the procedures that must be followed to terminate the person's participation. Depending on their compliance with due process procedures, courts with problem-solving court programs would spend more time in hearings but would less likely have their termination decisions appealed.

Placement in a Problem-Solving Court – This provision would permit a court that is not a problem-solving court to transfer a case to a problem-solving court. Depending on each of these court's capacity, this could increase the workload of the problem-solving court.

Explanation of Local Revenues: *Financial Responsibility for Problem-Solving Courts Fees* – Under current law, parents of children who are in problem-solving court programs are not responsible for the fees associated with being in the program. This provision makes the parent or guardian of a child responsible for paying these fees if ordered by the court to pay them. The fees for informal adjustment programs range from \$5 to \$15 per month (IC 31-37-9-9). The fees for problem-solving courts may not exceed \$50 per month. The Indiana Judicial Center reports that four counties (Howard, Perry, Porter and Vanderburgh) have problem-solving courts for juveniles.

Depositing Problem-Solving Court Fees – This provision is clean up language because under IC 33-23-16, both drug and reentry courts are problem-solving courts.

State Agencies Affected:

Local Agencies Affected: Trial courts; Drug and alcohol programs; Problem-solving courts.

Information Sources: Mary Kay Hudson, Indiana Judicial Center; Indiana Code; *Interim Problem-solving Court Rules*, Adopted: April 23, 2010 (Effective July 1, 2010) Amended: September 20, 2010

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